

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RONALD SMITH,

Plaintiff,

v.

JERRY SPEZIALE, et al.,

Defendants.

Civil Action No. 06-4656 (SRC)

ORDER

CHESLER, District Judge

This matter comes before the Court upon the motion to enforce settlement filed by Defendants [docket entry 30]. This Court referred the matter to the magistrate judge for a report on proposed findings of fact and recommendations for a disposition of the motion, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 19, 2010, Magistrate Judge Shipp issued a Report and Recommendation (“R&R”), pursuant to FED. R. CIV. P. 72(b), L. CIV. R. 72.1(a)(2), and 28 U.S.C. § 636(b)(1)(B) [docket entry 38]. The R&R recommends that this Court grant Defendants’ motion to enforce settlement. Title 28 U.S.C. § 636(b)(1)© provides that within 10 days of service of the magistrate judge’s recommended disposition, any party to the action may file specific written objections to the magistrate judge’s proposed findings and recommendations. The statute also provides that a district judge must conduct a de novo review of those portions of the magistrate judge’s R&R to which objection is made. The time for filing objections to Magistrate Judge Shipp’s R&R expired on April 29, 2010. To date, no objections

have been filed.

The R&R before the Court concerns a motion which seeks dispositive relief. Saber v. FinanceAmerica Credit Corp., 843 F.2d 697, 702-03 (3d Cir. 1988) (holding that order to enforce settlement, which concerns remedy of specific performance, is dispositive of parties' substantive rights). A magistrate judge's recommended disposition of a dispositive matter is subject to de novo review. Fed.R.Civ.P. 72; see also In re Gabapentin Patent Litig., 312 F.Supp.2d 653, 661 (D.N.J. 2004) (distinguishing applicable standards of review depending on whether magistrate judge handled non-dispositive matter under section 636(b)(1)(A) or dispositive matter under section 636(b)(1)(B)).

This Court has reviewed the R&R under the appropriate standard. It agrees with Magistrate Judge Shipp's analysis and accepts his proposed findings of fact and recommended disposition. Therefore,

IT IS on this 18th day of June, 2010,

ORDERED that Magistrate Judge Shipp's R&R [docket entry 38] is adopted as the opinion of the Court; and it is further

ORDERED that Defendants' motion to enforce settlement [docket entry 30] be and hereby is **GRANTED**; and it is further

ORDERED that this case is **CLOSED**.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge